

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Comcast of Massachusetts III, Inc. Case No. 05-40086
(Comcast")

Plaintiff

vs.

ANSWER AND DEFENSES OF
CAROLLYN BURGESS

Carollyn Burgess
Defendant

Defendant Carollyn Burgess, hereinafter "Burgess", responds to the paragraphs in plaintiff's complaint as follows:

1. Denied that Comcast suffered injuries as a result of action or inaction by Burgess; denied that Burgess committed cable television signal piracy.
2. Denied.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.
9. Admitted.
10. Admitted.
11. Admitted.
12. Admitted.

13. Denied as to Burgess; Burgess is without information or knowledge sufficient to form a belief as to the truth of this averment relative to a third party.
14. Burgess is without knowledge or information sufficient to form a belief as to the truth of this averment.
15. Denied.
16. Denied.
17. Burgess makes the same responses as above and incorporates by reference her responses to paragraphs 1 through 16 above.
18. Denied.
19. Denied.
20. Admitted.
21. Denied.
22. Denied that Defendant knowingly intercepted or used Comcast's cable transmissions without consent of Comcast.
23. Denied.

24. Burgess makes the same responses as above and incorporates by reference her responses to paragraphs 1 through 23 above.
25. Denied.
26. Denied.
27. Denied.

First Defense

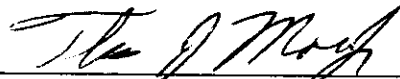
The injuries and damages complained of were caused in whole or in part by the negligence of Comcast or its predecessor-in-interest and the degree of negligence on the part of Comcast or its predecessor-in-interest is such as to bar recovery under the provisions of law.

Laches

The plaintiff has delayed initiation of this suit to such a point that Burgess is unfairly hampered and prejudiced by the passage of time in preparing her defense.

WHEREFORE, Defendant Burgess asks this Honorable Court to dismiss all of Plaintiff's claims against her and award Burgess costs including a reasonable attorney's fee.

Date: *July 18, 2005*



Thomas J. Moran, Jr.
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Certificate of Service

I, Thomas J. Moran, Jr., attorney for Carollyn Burgess, certify that I served a copy of the above Answer and Defenses of Carollyn Burgess upon John M. McLaughlin, Esq., Green, Miles, Lipton & Fitz-Gibbon LLP, 77 Pleasant at., P.O. Box 210, Northampton, MA 01061, attorney for Comcast of Massachusetts III, Inc. on the *18th day* of July by first-class mail, postage prepaid.



Thomas J. Moran, Jr.